



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Utah State Office

440 West 200 South, Suite 500

Salt Lake City, UT 84101

<http://www.blm.gov/ut/st/en.html>



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February 15, 2013

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### DECISION

Canyonlands Watershed Council	:	Protest to the Inclusion of Certain
Laurel Hagen, Executive Director	:	Parcels in the February 19, 2013
P.O. Box 344	:	Competitive Oil and Gas Lease Sale
Moab, Utah 84532		

### Protest Denied

On November 16, 2012, the Bureau of Land Management (BLM) issued its Notice of Competitive Lease Sale (NCLS) providing notice to the public that certain parcels of land would be offered in a competitive oil and gas lease sale scheduled for February 19, 2013. In a letter received by the BLM on December 17, 2012, Canyonlands Watershed Council (CWC) protested the following 5 parcels listed in the NCLS:

UT0213-042, UT0213-054, UT0213-055, UT0213-119, UT0213-131.

By erratum issued on January 16, 2013, additional stipulations or notices were added to parcels UT0213-054, UT0213-055, and UT0213-131.

In its protest, the CWC expresses concerns about the potential impacts of leasing and oil and gas development on water and air quality. The CWC maintains that the hydrologic fracturing practices that have recently become more common significantly increase the threat of groundwater contamination and may place drinking water sources at risk. The CWC also contends that industrial development in the Lisbon Valley area has affected air quality and the impact analysis in the environmental assessment (EA) of the potential impacts to this and other resources is not adequate.

For the reasons set forth below, I have determined that the BLM complied with the requirements of the National Environmental Policy Act (NEPA), Clean Water Act (CWA), Clean Air Act (CAA) and other applicable Federal laws and regulations prior to the inclusion of the subject parcels in the February 19, 2013, lease sale. Consequently, the CWC protest as it pertains to the 5 protested parcels is denied.

## **Protest Contentions and the BLM's Responses**

Protest Contention: Water Quality; Parcel 042 – Moab Area.

The following language in the CWC protest states why it believes parcel 042 should be deferred from the lease sale:

- The groundwater flows in the area are not well mapped. Of particular concern is the system of the underground fractures in the Glenn Canyon Aquifer; these increase water movement rates and provide the flows that feed Moab's municipal wells and springs. Existing studies, performed primarily by the Utah Geologic Survey and the US Geologic Survey, make educated guesses that show high rates of conductivity – between 50 and 100 feet per day – through the fractures. These studies also note the need for specific mapping of the fracture system, including the fractures lying under other rock layers, reaching south of the Moab valley and very possibly under Parcel 042. Any contaminator from underground activities in Parcel 042 has an increased likelihood of traveling into municipal and private wells because of the increased vulnerability of the fracture system.
- The City of Moab, Grand County, and Congressman Jim Matheson have all prioritized the need to conduct an independent ground water study of the Moab area. These funds have been approved in the federal budget, but not yet appropriated, as part of the Water Resource Development Act. The effort to fund or otherwise conduct such a study is ongoing. The urgent need to map groundwater supplies and flow patterns in the Moab area is a top priority for local governments, referenced in the General Plans for both the City of Moab and Grand County, and is one of the primary goals of the Moab Area Watershed Partnership, a multi-stakeholder effort to conduct watershed planning for the area. Until these flows are better known, it is hard to make safe decisions about how to place and control potential contamination sources such as oil and gas wells.
- Parcel 042 is near private residences – one fully constructed and several lots under building permits – which will depend upon wells for culinary water, with no public water or alternative source nearby. Again, without groundwater mapping in the area, these wells are put at risk of contamination from drilling activities.
- Spanish Valley Special Service District has applied to drill over a dozen new public supply wells in the vicinity of Parcel 042. Using the best available scientific information – the Utah Drinking Water Source Protection Zone for nearby Moab wells, which pull water from the same aquifer – it appears likely that the Utah Division of Drinking Water's drinking water source protection zone for the proposed wells would cross well over parcel 042.

Protest at page 3. The following language in the CWC protest states the conditions that it believes should be satisfied before Parcel 042 made available for lease:

- Condition 1.       The groundwater study for the Moab area has been completed, and
- a. That study indicates that the underground fracture system connected to Moab's public wells does not intrude under parcel 042, and
  - b. That study indicates that private wells near parcel 042 would not be threatened by drilling activities.
- Condition 2.       The Utah State Engineer either:
- a. Rejects SJSVSSD's application to drill wells on Bridger Jack Mesa, or
  - b. Approves SJSVSSD's application, and mandatory Drinking Water Source Protection Zones are established. Protest at 4.

The BLM's Response: In oil and gas exploration and development, groundwater is protected by implementing the standard operating procedures (SOPs) required by regulation, and the site-specific mitigation required in any approval of an application for a permit to drill (APD) would be sufficient to isolate and protect all usable groundwater zones. The relevant SOPs include requirements for drilling operations set forth in Onshore Oil and Gas Order (Order) No. 2 and requirements for the disposal of produced water set forth in Order No. 7. Under these Orders, a well drilled through a usable groundwater zone must be cased and cemented, and the casing pressure tested to ensure integrity prior to drilling out the surface casing shoe plug. Moreover, prior to any APD approval, the potential impacts to groundwater would be considered and mitigated pursuant to Utah Instruction Memorandum (IM) 2010-055. The purpose of the IM is to enhance the existing process for the continued protection of all usable groundwater zones ( $\leq 10,000$  mg/L as defined in Order No. 2) associated with oil and gas exploration and development. According to IM 2010-055, Sole Source Aquifers (SSAs) and Drinking Water Source Protection Zones (DWSPZs) are designated drinking water aquifers and require additional analysis and protection. Prior to any drilling activity on a lease, the BLM will complete a rigorous engineering review of any proposed down hole activities and apply appropriate regulatory and mitigation measures. (Moab Field Office EA DOI-BLM-UT-Y010-2012-0190-EA, Appendix C, Interdisciplinary Team Checklist).

Lease parcel UT0213-042 is not within any SSAs, but does overlie a DWSPZ associated with Kane Springs Well #2. However, the DWSPZ for the well does not appear to be supported by geologic or hydrogeologic information. Further, exploration and/or development activities on the Parcel would not have the potential to impact ground water wells either at the Kane Springs Rest Area (Kane Springs Rest Stop Wells # 1 and #2) held by the State of Utah Department of Transportation or the Glen Canyon Sole Source Aquifer (SSA). There is a plugged and abandoned wildcat well, Muleshoe Federal 1, which was drilled in 1974 to a depth of 10,375 feet on land now included in parcel UT0213-042 (Enclosures 1 and 2). In the event the parcel is leased, and the BLM receives and approves an APD or APDs on the parcel, the Moab Field Office will attach a condition of approval (COA) to each APD requiring the surface casing to be set 100 feet below the base of the Chinle Formation (the lowest known occurrence of usable water). The target formation for this area is the Cane Creek member of the Paradox Formation, which was encountered at a depth of 7,926 feet in Muleshoe Federal 1, while the base of the Chinle Formation is at a depth of 2,585 feet at this location. Therefore, there is approximately 5,300 feet of bedrock separating the oil and gas producing formation from the base of the lowest known source of usable water. Drinking water wells in the area generally are completed at depths above 1,000 feet (approximately 7,000 feet of bedrock separation/protection).

Kane Springs Rest Stop #1 has a transient protection zone (Zone 2) which occurs approximately 0.85 miles from the western edge of Parcel UT0213-042. The depth of this well is 151 feet below ground surface (BGS) with a surface elevation between 5,000-5,100 feet above mean sea level (MSL).

Kane Springs Rest Stop #2 has a ground water protection zone 90 feet wide that projects eastward for approximately 3 miles. Zone 4 is approximately 2.7 miles long by 90 feet wide of which approximately 0.38 miles is within Parcel UT0213-042. The depth of this well is 114 feet BGS with a surface elevation between 5,000-5,100 feet above MSL.

Pack Creek Ranch would not be impacted by development on Parcel UT0213-042. The Pack Creek Ranch has several water wells in the Spanish Valley, completed in the Glen Canyon SSA. Pack Creek Water Company # 1 has a ground water protection zone (0.2 mile radius), which is approximately 1.98 miles from the north eastern corner of parcel UT0213-042. The depth of this well is 200 feet BGS. Pack Creek Water Company #2 and WS001 are transient protection zones whose capture zones project eastward away from parcel UT0213-042. Depths are listed as 200 feet BGS, with approximate surface elevations of 6,080 feet above MSL.

Based on the geologic cross section B-B' (Enclosure 3, from Plate 1, City of Moab, Utah Sole Source Aquifer Designation Petition, Reference Map, 2001) there is no potential impact to the Glen Canyon SSA from any possible oil and gas exploration or development on Parcel UT0213-042. Also, Enclosure 4, from Figure 4 Baars and Doelling (Geological Society of America Centennial Field Guide – Rocky Mountain Section, 1987) shows the Paradox Salt Anticline (Diapir) to a depth of 12,000 feet below the base of Moab Valley. Based on the geologic data discussed above, there is no hydrologic connection from the west side of the Moab Valley to the SSA due to the large extent of the Hermosa Formation of the Paradox Member (Moab Salt Anticline).

As discussed in section 1.8.2 of the Moab EA, the San Juan Spanish Valley Special Services District currently has an application before the Utah State Engineer requesting permission to divert 5,000 acre-feet of ground water each year for municipal uses. At this time, none of the proposed points of diversion listed in the application are on lands included within Parcel UT0213-042. Nonetheless, a lease notice was added to the parcel for protection of the existing DWSPZ, which would also benefit future groundwater appropriations in the event the application is approved and the San Juan Spanish Valley Special Services District moves forward to develop water under the approved application.

Protest Contention: Water Quality; Parcel 119 – La Sal Elementary School Area.

The following language in the CWC protest states why it believes parcel 119 should be deferred from the lease sale:

- Parcel 119 is very close to the Utah Drinking Water Source Protection Zone for the well at the LaSal Elementary School. The direction of groundwater flow, which runs from the wet mountain zone downhill to settled areas, is almost directly from parcel towards the well. Any problems with underground activities would put this well, in addition to several wells, in danger of irretrievable contamination.
- The protection zone for this well is unusually small compared to other zones in the region. The studies conducted for such protection zones are often based on very poor hydrogeologic data, since in rural areas like LaSal that is often the best data available. If the protection zone was even somewhat closer to the size of similar zones in the Moab area, parcel 131 [parcel 119] would be well within it.
- We are concerned that the uncertainty of groundwater data, combined lack of community resources to research and enforce protection measures to manage potential contamination sources (state and federal governments defer most of that responsibility to the water well owner), will greatly increase the risks to drinking water. Protest at 5.

The BLM's Response: Lease parcel UT0213-119 is not located within an SSA or DWSPZ. Parcel elevations range from approximately 7,100 feet in the southwest corner of the parcel to 7,500 feet in its northeast corner. The discussion of the general groundwater protections implemented in BLM-authorized oil and gas exploration and development discussed above (in the BLM's response to CWC's protest contentions regarding Parcel UT0213-042) are equally applicable to CWC's contentions regarding Parcel UT0213-119 and are incorporated herein by reference. The southwest corner of this parcel is approximately ½ mile from the La Sal Elementary School well, which is used to divert water under the San Juan School District's Water Right No. 05-3027. The well has an approximate elevation of 6,980 feet above MSL and was drilled to a total depth of 410 feet BGS (completed from 200-360 feet BGS) (Enclosure 5).

In CWC's first above-quoted bullet point, the statement that "the direction of groundwater flow, which runs from the wet mountain zone [with only an average annual precipitation of 9.01 inches] downhill to settled areas, is almost directly from parcel towards the well" is at odds with CWC's third bullet point, which expresses concern over the uncertainty of groundwater data. Moreover, there is no data supporting CWC's description of groundwater flow direction in this area. The flow direction postulated might be possible in a homogeneous alluvial unconfined aquifer system with relatively high hydraulic conductivity. However, the La Sal Elementary School well was completed in bedrock, Dakota Sandstone and Brushy Basin Shale, into a confined water bearing zone controlled by bedrock matrix permeability and fractures/faulting (Enclosure 6). As a result, the La Sal Elementary well would not be impacted.

The TXP-WILCOX 1-10 wildcat oil and gas well is located approximately 1¼ miles southwest of the La Sal Elementary School well. At this location at a depth of 2,512 feet BGS, the Chinle Formation was encountered, whose contact is 136 feet deeper than at the Muleshoe Federal 1 location. Therefore, at this location there is approximately 7,200 feet of bedrock separating the oil and gas producing formation (Cane Creek) from the base of the lowest known source of usable water.

Protest Contention: Water Quality; Parcels 054, 055 and 131 – Near Monticello. Protest at page 5.

The following language in the CWC protest states why it believes parcels 054, 055, and 131 should be deferred from the lease sale:

- Much of Monticello depends on private wells for culinary water. However, only public water supply wells are protected by Drinking Water Source Protection Zones. Therefore, most of the culinary water supply for Monticello residents is without any protective designation, and will not trigger measures for well casings etc. that are normal practice for oil and gas development near major groundwater sources.
- The three parcels are all on private land and the EA lists no special stipulations for the parcels (aside from certain mandatory protections for endangered species and cultural resources). There will be almost no requirements or oversight for protection of groundwater or surface runoff near populated areas.
- Parcel 054 is immediately upstream of Monticello neighborhoods, and immediately adjacent to the Blue Mountain Irrigation Company's reservoir. Any polluted surface runoff from this parcel – a result of seasonal flash floods common in the area, equipment failure, human error, or any number of other common events – would go almost immediately into lands and waters that have direct and regular contact with people.

Oil and gas development next to the town of Monticello and its water supplies will trigger none of the normal safety measures, and we are concerned that this, combined with the uphill proximity of the parcel, put Monticello's water at risk of irreparable damage.

Protest at 6. The following language in the CWC protest states the conditions that it believes should be satisfied before the parcels are made available for lease:

Condition 1. An independent (meaning conducted by a federal or state government agency, not petroleum industry consultants) groundwater study for Monticello groundwater has been conducted and approved.

Condition 2. The State Division of Drinking Water, local government or comparable regulatory body has a plan to protect Monticello groundwater on file, and that plan allows oil and gas development in the proposed lease parcels. Protest at 6.

The BLM's Response: The extreme northwest corner of Parcel 055 overlying Shingle Mill Draw, which drains into Loyd's Lake, was removed from Parcel 055. On the northwest side of Loyd's Lake, that part of Parcel 054 overlying Pole Creek, another tributary to Loyd's Lake, was also removed from Parcel 054 acreage (Enclosure 7).

With respect to Parcel 131 (four non-contiguous tracts are located northeast of Monticello in T33S, R24E, Sections 18, 19 and 20), there is little potential for adverse impact to useable ground water. The parcel does not overlie any DWSPZs. Water wells in the area range from 60 feet to 410 feet below ground surface (BGS). Oil and gas production in this area targets the Paradox formation at depths from 6,000 to 7,500 feet BGS. Surface drainage is located within an ephemeral to intermittent upper tributary to Montezuma Creek.

Protest Contention: Air Quality; Lisbon Valley. Protest at pages 6-8.

The following language in the CWC protest states why it believes parcels 054, 055, and 131 should be deferred from the lease sale:

- The impact analysis in the Moab EA is inadequate. It states: "An oil or gas well, including the act of drilling, is considered to be a minor source under the Clean Air Act. Minor sources are not controlled by regulatory agencies responsible for implementing the Clean Air Act. In addition, control technology is not required by regulatory agencies at this point, since San Juan and Grand counties are considered to be in attainment of the National Ambient Air Quality Standards (NAAQS). (EA, page 27)" This analysis is faulty for the following reasons:
  1. All of the modeling and other analysis in the EA is based on air quality sampling from the Island in the Sky District of Canyonlands National Park. This sampling station is many miles from Lisbon Valley or Moab/Spanish Valley. Moab is much closer to Lisbon Valley than the air monitoring station at Canyonlands (the towns of La Sal and Monticello are closer still). These areas are far more likely to reach nonattainment for air quality standards than the Canyonlands monitoring station. The current monitoring will not alert anyone of potential impacts to human health (or other values) from inversion layers in valleys, where most people live.

2. A single oil or gas well may be a minor source; a large field of oil and gas wells, as well as existing industrial development in Lisbon Valley (uranium and hardrock mining and processing), is a different matter, and should be analyzed as such.
3. Even at the Canyonlands air monitoring station, there have been several incidences of near-nonattainment for Class I airshed standards. The statement that control technology is not required for these minor sources is based on attainment status. If air quality is nearing non-attainment in Canyonlands National Park, we are very concerned that it is already non-attaining in the Moab valley and other places with winter inversion layers and more development, as well as more proximity to the high density of leases. A realistic measurement of air quality in the populated areas of southeastern Utah should be performed before the BLM can assume compliance with NAAQS.
4. Because there is no baseline air quality data for the Moab valley, Lisbon Valley, or other areas closer to development, there will be no way to ascertain whether oil and gas drilling activities are impacting air quality.

Protest at 7-8. CWC requests that the Lisbon Valley parcels be deferred until both of the following conditions are met:

- Condition 1. Air quality monitoring is set up in Lisbon Valley or nearby La Sal, and Moab. This monitoring need not be as regular or extensive as in Canyonlands if that is cost prohibitive, but it should be establish both a current baseline for air quality, and be able to regularly monitor for changes to air quality. Air quality impact modeling in NEPA documents nearer to those stations should be based on that data.
- Condition 2. Standards and stipulation are attached to oil and gas development (and other activities, such as potash or uranium mining and milling) in the area that are based on the modeling described above.

The BLM's Response: As discussed in sections 4.2.1.1 and 4.3.1 of the EA, the BLM concluded that leasing will not impact air quality or cause National Ambient Air Quality Standards (NAAQS) exceedences. The BLM addresses noise and night skies in its application of lease notice UT-LN-98 (visual resources and natural soundscapes) and air quality in use of stipulation UT-S-01 (air quality) and notices UT-LN-99 and UT-LN-102 (regional ozone formation controls and air quality analysis, respectively).

Air quality is specifically addressed in the EA at sections 1.5, 1.6, 1.7. 3.3.1, 4.2.1.1, 4.2.2.1, 4.3.1 and appendices A & C. The State of Utah's Division of Air Quality reports that Grand and San Juan Counties are in attainment of the air quality standards. The BLM describes ozone monitoring trends and acknowledges that regional ozone concentrations are of a concern (EA at page 25). The BLM also describes emission sources from well development and well production (EA at page 31).

In the EA, the BLM specifically states that in conducting subsequent project specific analysis, it will follow the policy and procedures of the National Interagency Memorandum of Understanding Regarding Air Quality Analysis and Mitigation for Federal Oil and Gas Decisions through NEPA and FLAG 2010 air quality guidance document.

In the EA, the BLM utilized and tiered to the Cane Creek Modeling Study. The project area for this modeling analysis was located closer to the national parks than any of the parcels included in this lease sale (including those identified in this protest), so it can be considered a conservative air quality analysis. No adverse impacts to Class 1 air quality related values were predicted

through this modeling analysis. The BLM concluded in the EA that emissions from the February oil and gas lease sale are not likely to result in major impacts to air quality, nor are they likely to cause a violation of the NAAQS (EA at page 33). Section 4.3.1 of the EA describes the cumulative impacts to air quality in the Four Corners region. The BLM considered data and conclusions available from the Uinta Basin Air Quality Study, Air Quality Modeling Study for the Four Corners Region, West Jump Study and the BLM Utah ARMS Modeling Study. The BLM also applied lease notice UT-LN-99 (Regional Ozone Formation Controls) to all of the parcels. Again, the BLM concludes at page 38 of the EA that it is unlikely that emissions from any subsequent development of the proposed leases would cause major contributions to regional ozone formation in the Four Corners area, nor likely to contribute to or cause exceedences of any NAAQS.

With respect to the likely air pollution issues of concern in the Moab/Canyonlands/Lisbon Valley area, the air monitoring conducted by the National Park Service in Canyonlands National Park is very representative of air quality issues in all these locales. Both ozone and PM<sub>2.5</sub> are generally regional issues in southeast Utah, and indeed across most of the U.S. southwest. It is highly unlikely that more localized air quality problems would become an issue in locales covered by the proposed leases. Utah DEQ has conducted air monitoring in Moab, most recently in 2003, and discontinued active monitoring due to the low concentrations of ozone and PM<sub>2.5</sub>.

The February 2013 lease sale does not involve proposals for large gas and oil fields, nor does it propose similar industrial development. The BLM is currently developing a Master Leasing Plan for the Moab area, and will analyze cumulative impacts related to oil, gas, and potash development under that planning document. All reasonably foreseeable development in the Moab area will be included in this analysis, including any development foreseeable under these lease sales. Extensive air quality analysis for routine lease sales involving minor levels of development is neither appropriate nor productive.

Regional ozone concentrations are a concern throughout the regional southwest, and are not confined to any particular area. It is highly unlikely that ozone concentrations in Moab, or any other area in southwest Utah, are substantially different than monitored in Canyonlands. As rightly noted in the CWC protest, ozone concentrations occasionally exceed the 8-hour National Ambient Air Quality Standard at Canyonlands. This is also common at all other monitors throughout the southwest. Given the low level of development in southeast Utah, it is unlikely that sources in this area are significantly contributing to regional ozone, although it is recognized that all sources of ozone precursor gases potentially contribute to regional ozone. It is true that based on attainment status, and according to both Utah DEQ and EPA regulations, many of the sources associated with oil and gas development are not required to install advanced pollution control systems. The BLM however recognizes regional ozone as an issue of concern in the EA and has included a lease notice to all potential bidders that air pollution controls in excess of those required by either DEQ or EPA regulations will be required. The BLM has been routinely requiring this greater level of control since regional ozone became a recognized issue, and will continue to do so.

Outside of the regional ozone issue, there are no other recognized air quality issues of concern in southeast Utah. Fugitive dust, particularly during wind events, can create nuisance levels of air pollution and also cause intense short term impacts. However, at this time, this does not appear to be an issue with National Ambient Air Quality Standards. The BLM addresses this issue by requiring appropriate dust control measures and plans for authorized activities.



Existing baseline data, as explained in the previous responses, is sufficient to evaluate the potential effects of offering and leasing the relevant parcels in the February 2013 lease sale. Prior to authorizing specific development on any leases eventually issued pursuant to the lease sale, project-specific air quality analysis will be conducted as warranted to disclose and mitigate, if necessary, any air resource impacts associated with project-specific development. In addition, as explained, the BLM is undertaking a cumulative impact assessment for oil/gas and potash development for the Moab area that will further inform future project-specific development in the lease area.

As previously explained, existing air monitoring data is sufficient for the BLM to make informed decisions on leasing. NEPA also does not require the BLM to conduct new air monitoring when existing data is not available nor does it require deferment of decision-making when data is not available; rather, NEPA requires the use of best available information.

The BLM's procedures for managing oil and gas leasing and development activities are well established through land use planning, parcel nomination, competitive leasing, well permitting, development, operations, production, plugging and reclamation. Should a complete application for permit to drill (APD) be received, the BLM will again initiate the NEPA process based on the information in the APD. However, attempting to determine specific potential water and air quality impacts from development would be unduly speculative and impractical without the submission of a complete APD.

### **Conclusion**

In submitting a protest to the inclusion of parcels in a lease sale, a party must consider whether any lease stipulations or notices that apply to a particular parcel may be relevant to the party's concerns, and explain why such stipulations or notices do not obviate such concerns. The failure of a protestant to provide such analysis in its protest may result in the summary dismissal of the protest. Overall, CWC has not provided such analysis in its protest.

Moreover, as the party challenging the BLM's inclusion of certain parcels in the February 19, 2013 lease sale, CWC bears the burden of establishing that the BLM's action was premised on a clear error of law or material fact, or that the BLM failed to consider a substantial environmental question of material significance. CWC has not met this burden. To the extent that CWC has raised any allegations not specifically discussed herein, they have been considered and found to be without merit. For these reasons, and for those previously discussed, the CWC protest as it pertains to the 5 parcels (UT0213-042, UT0213-054, UT0213-055, UT0213-119 and UT0213-131) is denied.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 C.F.R. Part 4 and Form 1842-1 (Enclosure 8). If an appeal is taken, the notice of appeal must be filed in this office (at the address shown on the enclosed Form) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay pursuant to 43 C.F.R. Part 4, Subpart B § 4.21, during the time that your appeal is being reviewed by the Board, the petition must show sufficient justification based on the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall be evaluated based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Copies of the notice of appeal, petition for stay, and statement of reasons also must be submitted to the Office of the Regional Solicitor, Intermountain Region, 125 South State Street, Suite 6201, Salt Lake City, Utah 84138, at the same time the original documents are filed in this office.

If you have any further questions, please contact Pam Schuller of this office at (801)539-4050.

*/s/Jenna Whitlock*  
Juan Palma  
State Director

#### Enclosures:

1. Parcel 042 (B-B')
2. Muleshoe Federal 1 Well Formation Tops
3. Plate 1 (B-B')
4. Baars and Doelling
5. Parcel 119
6. La Sal Elementary School
7. Parcels 054, 055, & 131
8. Form 1842-1

cc: James Karkut, Office of the Solicitor, Intermountain Region,  
125 South State Street, Suite 6201, Salt Lake City, UT 84138

Enclosure 1  
Parcel 042 (B-B')

Enclosure 2  
Muleshoe Federal 1 Well Formation Tops

Enclosure 3  
Plate 1 (B-B')

Enclosure 4  
Baars and Doelling

Enclosure 5  
Parcel 119

Enclosure 6  
La Sal Elementary School



Enclosure 7  
Parcels 054, 055, & 131

Enclosure 8  
Form 1842-1